

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: NATIONAL PRESCRIPTION)	MDL 2804
OPIATE LITIGATION)	
)	Case No. 1:17-md-2804
THIS DOCUMENT RELATES TO:)	
)	Judge Dan Aaron Polster
<i>Track Three Cases</i>)	
)	<u>ORDER REGARDING TESTIMONY</u>
)	<u>OF BRAD NELSON</u>

Plaintiffs seek permission to call Mr. Brad Nelson, former Senior Manager for Controlled Substances at Walmart, to testify live via video as a trial witness on Monday, October 25 at 9:00 a.m. EDT. Mr. Nelson currently resides in Arkansas. October 18 Trial Transcript, at 6:16–17.

Pursuant to Federal Rule of Civil Procedure 43(a), “For good cause in compelling circumstances and with appropriate safeguards, the court may permit testimony in open court by contemporaneous transmission from a different location.” “Whether and how to conduct testimony by video transmission is within the sound discretion of the trial court, reviewable only for abuse of that discretion.” *Ohio A. Philip Randolph Inst. v. Householder*, 2019 U.S. Dist. LEXIS 29086 (S.D. Ohio Feb. 25, 2019) (citing *Palmer v. Valdez*, 560 F.3d 965, 968–69 (9th Cir. 2009)).

The Court finds there is good cause and compelling circumstances for Mr. Nelson’s testimony. Mr. Nelson has information pertinent to this case, as demonstrated during the playing of his deposition at trial on October 18. Further, Plaintiffs have pointed to highly relevant documents produced in discovery after Mr. Nelson was deposed. The Court concludes it is necessary and important for the jury to hear from Mr. Nelson regarding these documents. Additionally, given that Mr. Nelson resides in Arkansas, there also exist good cause and compelling circumstances for Mr. Nelson to testify by video, rather than in person. Accordingly,

Mr. Nelson is hereby **ORDERED** to testify via live video on **Monday, October 25 at 9:00 a.m. EDT**. Counsel are to make the necessary arrangements for this testimony. Furthermore, Walmart, being Mr. Nelson's former employer, is hereby **ORDERED** to ensure timely service of this order upon Mr. Nelson and/or his attorney.

IT IS SO ORDERED.

/s/ Dan Aaron Polster October 19, 2021
DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE